#9
7-17-03
B. Hilliard

Atty. Dkt. No. 017475-0113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David WILKINS

Title: METHOD AND APPARATUS FOR
             CONTROLLING A GRAPHICS
             ENGINE

Appl. No.:   09/387,502

Filing
Date: 09/01/1999

Examiner: Xiomara L. Bautista

Art Unit: 2173

REQUEST TO RECONSIDER AND RESCIND
ABANDONMENT OF APPLICATION

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Receipt is acknowledged of the Notice of Abandonment dated July 2, 2003, in the subject application. Since there was no abandonment in fact, per MPEP 711.03, applicant respectfully requests that this Notice be reconsidered and rescinded.

The July 2, 2003 Notification was based on an alleged failure to timely respond to the Final Office Action mailed on October 17, 2002. Attached hereto are copies of the following documents showing that a proper reply was filed in response to the Final Office Action:

- Notice of Appeal;
- Third Month Request for Petition for Extension of Time;
- Copy of Check No. 28356 in the amount of $625.00 (Small Entity Applicable); and
- Copy of USPTO stamped postcard receipt.

002.1042608.1

The PTO is advised that the aforementioned documents were timely filed on April 17, 2003 as evidenced by the attached copy of a receipt bearing the Office date stamp thereon. Accordingly, it is requested that this Notification of Abandonment be reconsidered and rescinded under MPEP 711.03.

Respectfully submitted,

Date July 8, 2003   By _____

FOLEY & LARDNER   Brian J. McNamara
Customer Number: 22428   Attorney for Applicant
                                       Registration No. 32,789

22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5416
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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.